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RELEASED IN PART
B5, B1, 1.4(D)

DTG: 041342Z DEC 08
FROM: AMEMBASSY MADRID
SERIAL: MADRID 001280
CLASS: C O N F I D E N T I A L SECTION 01 OF 03 MADRID 001280
SUBJECT: SPAIN: ALLEGED DETAINEE FLIGHTS ISSUE BLOWS UP IN MEDIA.

REF:

A. 07 MADRID 173.

B. MADRID 1021 Classified By: Deputy Chief of Mission Arnold

A. Chacon for reasons 1.4 (b) and (d).
1. (SBU)

TEXT: SUMMARY: A hot issue in the Spanish press since 2005, the detainee transfer flights that allegedly transited Spain from 2002 until 2006 have once again hit the headlines. The most recent flurry of reporting began November 30 when El Pais, Spain's leading newspaper, printed several stories based on internal GOS documents purporting to relate U.S. requests in 2002 for permission to use Spanish airports should an emergency arise on flights transporting terrorism detainees to Guantanamo.

[REDACTED]

END SUMMARY. The Story that Will Not Die

2. (SBU) The Guantanamo detainee flight story has long since become a press staple in Spain. The story appears on front pages (starting in El Pais) and disappears every two or three months. An investigation is underway in a Spanish court, brought by an NGO which claims illegally detained persons were transported via Spain.

Leaks.

3. (SBU)

[REDACTED] It began November 30 when El Pais reported a document recounting a 2002 meeting between the then-Spanish MFA Director General for North America and the Embassy's Political-Military Counselor (NFI) in which the U.S. asked to use Spain as an emergency landing destination for flights moving detainees from Afghanistan to Guantanamo. The newspaper also described a second document from the same MFA official, addressed to the MOD Secretary General for Defense Policy, expressing the MFA's willingness to grant the U.S. request and suggesting use of a "discreet" military airport such as Moron. In a related article December 3, El Pais published a February 2007 letter from the Spanish President of the joint Permanent Committee which manages implementation of the ADC, asking the U.S. section to confirm that the U.S. was in compliance with Article 25.2 of the ADC with respect to U.S. military flights to and from Guantanamo (that article exempts from blanket flight clearances any plane carrying persons or cargo that would be controversial for Spain). The newspaper also published the U.S. section response, which was in the affirmative. (Note: In March 2007, the MOD decided that all flights to and from Guantanamo would require individual clearances; that is the procedure in use today).

4. (SBU)

[REDACTED] FM Moratinos announced December 1 the formation of an independent investigative team including the Chiefs

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of Staff to the FM, the Secretary of State for Foreign Affairs, and the Undersecretary of State for Foreign Affairs as well as the FM's parliamentary advisor. On December 2, Moratinos confirmed press reports the investigative team has not been able to locate the original of the 2002 document described in paragraph 1 (although El Pais has printed a facsimile).

6. (SBU) THE PROSECUTOR HANDLING THE RELATED COURT CASE INDICATED LAST YEAR THAT THERE WAS NO PLAN TO REQUEST INFORMATION FROM THE USG (REF. A). HOWEVER, THE LATEST ROUND OF STORIES HAS INCLUDED SPECULATION THAT THE COURT MIGHT SEEK TESTIMONY FROM AZNAR AND MEMBERS OF HIS ADMINISTRATION AS WELL AS FROM U.S. EMBASSY OFFICIALS. WE HAVE RECEIVED NO OFFICIAL NOTIFICATION OF ANY SUCH REQUESTS, COMMENT

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